IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.1343 **OF 2005**

Ramchandra Shankarrao Mate ...Appellant
Vs.
Ramchandra Bhausaheb Kute & Ors. ...Respondents

CORAM: A.S.OKA, J.
DATED: MARCH 16,2006.

P.C.:

1. The submissions of the learned Counsel for the Appellant were heard on 7th March 2006. Today the papers of the Second Appeal are produced at 3.00 p.m. for dictation of the order. The Appeal is preferred by the unsuccessful Plaintiffs. In a suit for perpetual injunction the Trial Court passed decree of injunction. In an Appeal preferred by the Defendants, the decree of the trial Court has been set aside and the suit has been dismissed.

2. I have heard the learned Senior Counsel for the Appellant. The Appellate Court has found that the Appellant is the purchaser of the undivided share of his vendor in a joint family property and that is the reason why the Appellate Court held that the Appellant is not entitled to perpetual injunction as he cannot be said to be in exclusive possession of the property in dispute.

3. There is no error in the view taken by the Appellate court. No substantial question of law arises. Second Appeal is dismissed with no order as to costs.

Judge.